

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1847.

Read twice, and referred to the Committee on Indian Affairs.

AN ACT

To amend an act entitled "An act to provide for the better organization of the department of Indian affairs," and an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June thirtieth, eighteen hundred and thirty-four," and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 from and after the thirtieth day of June next there shall be
4 three superintendents of Indian affairs, two of whom shall reside
5 at such points, and have the superintendence of such of the In-
6 dian tribes or bands west of the Mississippi river and east of the
7 Rocky mountains, as the President of the United States or the
8 Secretary of War shall direct; and one of which superintend-
9 encies shall be denominated the northern, and the other the south-
10 ern superintendency. The third superintendent shall have
11 charge of the other and eastern superintendency, which shall
12 include all the Indians east of the Mississippi river within the
13 State of Michigan and Territory of Wisconsin, and he shall re-
14 side at such point as the President or Secretary of War shall
15 direct. There shall also be not exceeding eight full agents and

16 two sub-agents for all the Indians west of the Mississippi river
 17 and east of the Rocky mountains, and three sub-agents for the
 18 Indians east of that river.

1 SEC. 2. *And be it further enacted,* That the said superintend-
 2 ents shall each receive a salary of one thousand six hundred dol-
 3 lars ; the said agents each a salary of one thousand two hundred
 4 dollars, and the said sub-agents salaries, respectively, of eight hun-
 5 dred dollars. The superintendents and agents shall be appoint-
 6 ed by the President, by and with the consent of the Senate, for
 7 the term of four years ; and they and the sub-agents shall per-
 8 form such duties, and give bonds for the faithful performance
 9 thereof, as are now or may hereafter be required by law.

1 SEC. 3. *And be it further enacted,* That the limits of each
 2 superintendency, agency, and sub-agency shall be established by
 3 the Secretary of War, either by tribes or geographical bounda-
 4 ries ; and the superintendents, agents, and sub-agents shall be
 5 furnished with offices for the transaction of the public business,
 6 and the agents and sub-agents with houses suitable for their resi-
 7 dences, at the expense of the United States ; and, with the as-
 8 sent of the Indians, be permitted to cultivate such portions of
 9 land as the President or Secretary of War may deem proper.

1 SEC. 4. *And be it further enacted,* That the twentieth sec-
 2 tion of the "act to regulate trade and intercourse with the In-
 3 dian tribes, and to preserve peace on the frontiers," approved
 4 June thirtieth, eighteen hundred and thirty-four, be, and the

5 same is hereby so amended that, in addition to the fines thereby
 6 imposed, any person who shall sell, exchange or barter, give or
 7 dispose of, any spirituous liquor or wine to an Indian, in the In-
 8 dian country, or who shall introduce, or attempt to introduce,
 9 any spirituous liquor or wine into the Indian country, except
 10 such supplies as may be necessary for the officers of the United
 11 States and the troops of the service, under the direction of the
 12 War Department, such person, on conviction thereof before the
 13 proper district court of the United States, shall in the former
 14 case be subject to imprisonment for a period not exceeding two
 15 years, and in the latter case not exceeding one year, as shall be
 16 prescribed by the court, according to the extent and criminality
 17 of the offence. And in all prosecutions arising under this sec-
 18 tion, and under the twentieth section of the act to regulate trade
 19 and intercourse with the Indian tribes, and to preserve peace on
 20 the frontiers, approved June thirtieth, eighteen hundred and
 21 thirty-four, to which this is an amendment, Indians shall be com-
 22 petent witnesses.

1 *Sec. 5. And be it further enacted, That* the eleventh section
 2 of the "act to provide for the better organization of the depart-
 3 ment of Indian affairs," approved June thirtieth, eighteen hun-
 4 dred and thirty-four, be, and the same is hereby, so amended as
 5 to provide that all annuities, or other moneys, and all goods, stip-
 6 ulated by treaty to be paid or furnished to any Indian tribe, shall,
 7 at the discretion of the President or Secretary of War, instead of

8 being paid over to the chiefs, or to such persons as they shall
9 designate, be divided and paid over to the heads of families and
10 other individuals entitled to participate therein, or with the con-
11 sent of the tribe be applied to such purposes as will best promote
12 the happiness and prosperity of the members thereof, under such
13 regulations as shall be prescribed by the Secretary of War, not
14 inconsistent with existing treaty stipulations. And no such an-
15 nuities or moneys, or goods, shall be paid or distributed to the
16 Indians while they are under the influence of any description of
17 intoxicating liquor, nor while there are good and sufficient rea-
18 sons for the officers or agents, whose duty it may be to make
19 such payments or distribution, believing that there is any
20 species of intoxicating liquor within convenient reach of the In-
21 dians, nor until the chiefs and headmen of the tribe shall have
22 pledged themselves to use all their influence and to make all
23 proper exertions to prevent the introduction and sale of such
24 liquor in their country; and all executory contracts made and
25 entered into by any Indian for the payment of money or goods
26 shall be deemed and held to be null and void, and of no binding
27 effect whatsoever.

1 *SEC. 6. And be it further enacted,* That from and after
2 the thirtieth day of June next, one of the clerkships of a thou-
3 sand dollars in the office of Indian affairs shall be discontinued,
4 and that to the salary of the chief clerk of said office there shall
5 be added the sum of one hundred dollars, and to one of the sal-
6 aries of a thousand dollars the sum of two hundred dollars.

1 SEC. 7. *And be it further enacted*, That in aid of the means
 2 now possessed by the department of Indian affairs through its
 3 existing organization, there be, and hereby is, appropriated the
 4 sum of five thousand dollars, to enable the said department,
 5 under the direction of the Secretary of War, to collect and di-
 6 gest such statistics and materials as may illustrate the history,
 7 the present condition, and future prospects of the Indian tribes
 8 of the United States.

1 SEC. 8. *And be it further enacted*, That for the purchase
 2 of presents for the Camanche and other Indians of Texas and
 3 the southwestern prairies, promised them in eighteen hundred
 4 and forty-six, and for the same object the present year, the sum
 5 of twenty thousand dollars: *Provided*, That so much of this
 6 amount, not exceeding one half, as may be found necessary on
 7 a proper settlement of the account of Messrs. Torrey & Brothers,
 8 be paid to them for presents which they advanced in the year
 0 eighteen hundred and forty-six, the War Department not having
 10 the authority to furnish them.

1 SEC. 9. *And be it further enacted*, That for compensation
 2 of a special agent and two interpreters for one year, to enable
 3 the War Department to keep up such a communication with
 4 the said Indians as may be necessary towards the preservation of
 5 a good understanding with them, and securing peace on the
 6 frontier, the sum of three thousand six hundred and fifty dollars.

Passed the House of Representatives February 26, 1847.

Attest:

B. B. FRENCH, *Clerk*.